

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EQUAL EMPLOYMENT OPPORTUNITY)	
COMMISSION,)	
)	COMPLAINT
Plaintiff,)	
)	CIVIL ACTION NO.
v.)	
)	
TOWN & COUNTRY GROCERS OF)	
FREDERICKTOWN, MISSOURI, INC.)	
d/b/a COUNTRY MART GROCERY,)	
)	JURY TRIAL REQUESTED
Defendant.)	
_____)	

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and under Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race and to provide appropriate relief to Sandra Ross, who was adversely affected by such practices. The Equal Employment Opportunity Commission ("the Commission") alleges that Defendant, Town & Country Grocers of Fredericktown, Missouri, Inc., has engaged in unlawful employment practices at its Park Hills, Missouri facility in violation of Section 703 of Title VII, 42 U.S.C. § 2000e-2, by subjecting Sandra Ross to racial harassment because of her race, African-American, as alleged with greater particularity in paragraph 7 in the "Statement of Claims" below.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of

Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Eastern District of Missouri.

PARTIES

3. Plaintiff is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

4. At all relevant times, Defendant has continuously been an Missouri corporation doing business in the State of Missouri and the City of Park Hills and has continuously had at least 15 employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e(b), (g) and (h).

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Sandra Ross filed charges with the Commission alleging that Defendant had violated Title VII by subjecting her to racial harassment at its Park Hills facility because of her race, African-American. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. Since May 2007, Defendant has engaged in unlawful employment practices at its Park Hills, Missouri facility in violation of Section 703 of Title VII, 42 U.S.C. §2000e-2, and in violation of Section 704 of Title VII, 42 U.S.C. §2000e-3, by subjecting Sandra Ross, a deli

clerk and cook, to racial harassment. Such harassment took the form of racial jokes, and verbal and written racial slurs directed at Ms. Ross. When Ms. Ross complained to Defendant and/or when Defendant otherwise became aware of the harassment, it took little or no action to stop the unlawful conduct.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Sandra Ross of equal employment opportunities and otherwise adversely affected her status as an employee because of her race, African-American.

9. The unlawful employment practices complained of in paragraph 7 above were and are intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to the federally protected rights of Sandra Ross.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in and/or permitting harassment of African-American employees because of their race and any other employment practice that discriminates on the basis of race.

B. Order Defendant to institute and carry out policies, practices, and programs that provide equal employment opportunities for African-Americans and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant to make whole Sandra Ross, by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described in paragraph 7 above, in amounts to be determined at trial.

D. Order Defendant to make whole Sandra Ross by providing her compensation for past and future non-pecuniary losses resulting from the unlawful practices complained of in paragraph 7 above, including emotional distress, pain and suffering, inconvenience, loss of enjoyment of life, mental anguish and humiliation, in amounts to be determined at trial.

E. Order Defendant to pay Sandra Ross punitive damages for its malicious and reckless conduct described in paragraph 7 above, in amounts to be determined at trial.

F. Grant such further relief as the Court deems necessary and proper in the public interest.

G. Award the Commission its costs of this action.

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,

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